



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Berry et al.

Serial No.: 09/497,422

Filed: February 3, 2000

For: STABLE NON-AQUEOUS SINGLE
PHASE VISCOUS VEHICLES AND
FORMULATIONS UTILIZING SUCH
VEHICLES

Confirmation No.: 7482

Examiner: B. Fubara

Group Art Unit: 1615

Attorney Docket No.: ARC 2914 US R1
(3139-6169US)

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EV326922637US

Date of Deposit with USPS: November 14, 2003

Person making Deposit: Christopher Haughton

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OFFICE OF PETITIONS

**STATEMENT ACCOMPANYING PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER CFR § 1.137(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Notice of Allowance and Fee(s) Due was mailed on October 2, 2002, with a deadline for payment of the issue fee of January 2, 2003. Applicants submitted the issue fee on December 12, 2002, a copy of which is attached hereto for reference. A Notice of Abandonment was mailed on February 13, 2003 indicating abandonment due to failure to pay the issue fee. Applicants filed a Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.181 on April 18, 2003. No response to the Petition to Withdraw was received by Applicants. Instead, a

second Notice of Abandonment was mailed on July 17, 2003, again indicating failure to pay the issue fee. Although no specific explanation for the Notice of Abandonment and refusal to accept the issue fee was ever given, Applicants suspect that the refusal was based on the fact that the box authorizing the Commissioner to charge the required fees to Deposit Account Number 01-1173 was inadvertently not checked off, although the deposit account number was filled in manually. The entire delay was unintentional.

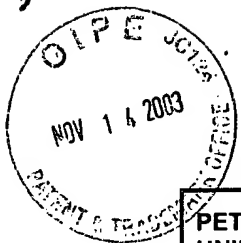
Respectfully submitted,



Edgar R. Cataxinos
Registration No. 39,931
Attorney for Applicants
TRASKBRITT
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: November 14, 2003
ERC/dlm:dn

Document in ProLaw



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PTO/SB/64 (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
ARC 2914 US R1 (3139-
6169US)

First named inventor: Berry et al.

Application No.: 09/497,422

Group Art Unit: 1615

Filed: February 3, 2000

Examiner: B. Fubara

Title: STABLE NON-AQUEOUS SINGLE PHASE VISCOUS VEHICLES AND FORMULATIONS UTILIZING
SUCH VEHICLES

Attention:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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NOV 24 2003

OFFICE OF PETITIONS TECH CENTER 1600/2900

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice
or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus any extensions of time actually
obtained.

02/17/2004 CKMLA 00000003 201469 09497422

01 FC:2501

665.00 DA

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant
applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$1,330.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Request for Continued Examination (RCE), Amendment Accompanying RCE and
Supplemental Information Disclosure Statement (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time may vary depending upon the needs of the individual
case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S.
Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,422	02/03/2000	Stephen A. Berry	ARC2914RT	7482

22921 7590 07/17/2003

ALZA CORPORATION
P O BOX 7210
INTELLECTUAL PROPERTY DEPARTMENT
MOUNTAIN VIEW, CA 940397210

EXAMINER

FUBARA, BLESSING M

ART UNIT	PAPER NUMBER
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1615

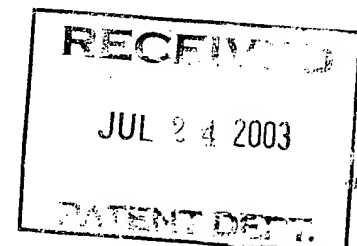
P#25

DATE MAILED: 07/17/2003



Please find below and/or attached an Office communication concerning this application or proceeding.

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JAN 12 2004
OFFICE OF PETITIONS

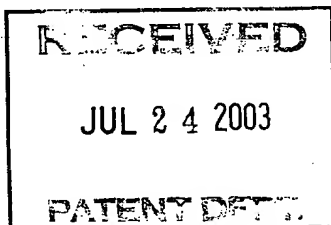




UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/497,422



EXAMINER

ART UNIT	PAPER NUMBER
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DE 28

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on _____.
- ☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).

- ☐ No response has been received.

☒ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- ☐ The submitted issue fee of \$_____ is insufficient. The issue fee required by 37 CFR 1.18 is \$_____.
- ☒ The issue fee has not been received.

☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☐ No proposed new formal drawings have been received.

☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.

☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.

☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

☐ The reason(s) below:

ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8389